

AMENDED IN ASSEMBLY JUNE 2, 2003  
AMENDED IN ASSEMBLY MAY 12, 2003  
AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 547**

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**Introduced by Assembly Members Liu, Maddox, and Parra  
(Coauthors: Assembly Members Berg, Matthews, and  
Negrete McLeod)**

February 18, 2003

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An act to add Section 66025.6 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 547, as amended, Liu. Public postsecondary education: tuition and fee waivers for National Guard and State Military Reserve.

Existing law prohibits campuses of the University of California, the California State University, or the California Community Colleges from charging any tuition or fees to certain dependents or survivors of veterans, including any child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability, where the annual income of the child, including the value of any support received from a parent, does not exceed the national poverty level, as defined.

This bill would prohibit a community college campus from charging enrollment fees, and would prohibit the University of California and the California State University from charging in excess of specified amounts of tuition or fees, to qualifying members, *as defined*, of the

National Guard~~and, the State Military Reserve, as defined and the Naval Militia~~. The bill would grant to qualifying members of the National Guard~~and, the State Military Reserve, and the Naval Militia~~ reimbursement of tuition or fees, reimbursement for any dormitory expenses, and academic leave when active duty, as defined, interrupts college attendance *for the purpose of pursuing an undergraduate degree*. These provisions would become operative commencing with the 2004–05 academic year.

The bill would require the Regents of the University of California, the Trustees of the California State University, and the Board of Governors of the California Community Colleges to report to the Legislature on the fiscal impact of these provisions *prior to December 1, 2004, and* within 90 days of the close of each academic year *thereafter*.

Pursuant to existing law, none of the provisions of this bill would apply to the University of California except to the extent that the Regents of the University of California, by appropriate resolution, make a provision applicable.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The California National Guard ~~and the State Military~~  
4 ~~Reserve~~, *the State Military Reserve, and the Naval Militia* provide  
5 military organization in California, with the capacity to protect the  
6 lives and property of the people of the state during periods of  
7 natural disaster and civil disturbance, and to provide homeland  
8 security.

9 (b) The California National Guard ~~and the State Military~~  
10 ~~Reserve~~, *the State Military Reserve, and the Naval Militia* perform  
11 other functions required by the California Military and Veterans  
12 Code or as directed by the Governor.

13 (c) The California National Guard ~~and the State Military~~  
14 ~~Reserve~~, *the State Military Reserve, and the Naval Militia* serve  
15 the essential public purpose of protecting the health, safety, and  
16 property of California's citizens.

(d) Postsecondary education benefit incentive programs have been highly successful in providing enlistment and retention inducements for maintaining and strengthening national guard and reserve programs in other states.

(e) It is the intent of the Legislature to further the public purposes served by the California National Guard ~~and State Military Reserve~~, *the State Military Reserve, and the Naval Militia* by providing enlistment and retention inducements by making postsecondary education benefits available to members serving the state faithfully for a period of at least one year.

SEC. 2. Section 66025.6 is added to the Education Code, to read:

66025.6. (a) As used in this section, the following terms have the following meanings:

(1) “Active duty” means ~~any~~ *either* of the following:

~~(A) Voluntary or involuntary military or naval duty on behalf of the United States of America during any period of national emergency declared by the President of the United States of America, or during any war in which the United States of America is engaged.~~

*(A) Active federal service or full-time national guard duty on behalf of the United States of America either voluntarily, or when involuntarily ordered to duty by appropriate authorities under Title 10 or Title 32 of the United States Code during a period of armed conflict, mobilization, contingency operations, or other crisis.*

(B) (i) Active military duty in the service of the state when the Governor has issued a proclamation of a state of insurrection pursuant to Section 143 of the Military and Veterans Code or a ~~proclamation of a state of extreme emergency.~~

~~(C) Active proclamation of a state of emergency; or~~

(ii) *When the National Guard is on active duty pursuant to Section 146 of the Military and Veterans Code, or is called to active service or duty under Chapter 7.5 (commencing with Section 400) of Part 1 of Division 2 of the Military and Veterans Code, and receipt of a certificate of satisfactory service in the California National Guard, or an equivalent thereof, a certificate of satisfactory service, or an equivalent thereof, is issued by the Military Department.*

(2) “Qualifying member” means a person who:

1 (A) Is a resident, as defined in Section 68017.

2 ~~(B) Has served in the National Guard or the State Military~~  
3 ~~Reserve for one year or more.~~

4 (B) *Is currently an active member of, and has satisfactorily*  
5 *served for at least one year in, the California National Guard, the*  
6 *State Military Reserve, or the Naval Militia, and maintains*  
7 *satisfactory service throughout the period that tuition and fees are*  
8 *waived pursuant to this section.*

9 (C) Is currently enrolled in an undergraduate program of  
10 instruction, or has been admitted to a program in which he or she  
11 will be enrolled, on at least a half-time basis, at a campus of the  
12 University of California, the California State University, or the  
13 California Community Colleges.

14 (b) No campus of the University of California shall charge any  
15 qualifying member more than 25 percent of the amount of  
16 mandatory systemwide tuition or fees that is charged to regular  
17 students.

18 (c) In each fiscal year, the California State University shall  
19 charge a qualifying member no more than the remainder when 75  
20 percent of the amount of systemwide tuition or fees at the  
21 University of California for that fiscal year is subtracted from the  
22 amount of systemwide fees and tuition charged at the California  
23 State University for that fiscal year.

24 (d) Notwithstanding any other provision of law, no campus of  
25 the California Community Colleges shall charge the enrollment  
26 fee set forth in Section 76300 to any qualifying member.

27 (e) Any qualifying member who undertakes active duty is  
28 entitled, *for the purpose of pursuing an undergraduate degree*  
29 *only*, to each of the following:

30 (1) Reimbursement of any mandatory systemwide tuition or  
31 fees charged for any academic session that the qualifying member  
32 is unable to attend or complete because he or she is on active duty.

33 (2) Reimbursement for any dormitory expenses charged for  
34 any academic session that the qualifying member is unable to  
35 attend or complete because he or she is on active duty. *This*  
36 *reimbursement may be prorated for any dormitory expenses*  
37 *incurred prior to the qualifying member's call to active duty.*

38 (3) An academic leave of absence for any academic session that  
39 the qualifying member is unable to attend or complete because he  
40 or she is on active duty. Upon return from an academic leave of

1 absence caused by active duty, a qualifying member shall have  
2 priority for academic and residence assignments. *Upon return*  
3 *from an academic leave of absence caused by active duty,*  
4 *graduation requirements for a qualifying member shall be the*  
5 *same as the graduation requirements contained in the course*  
6 *catalog at the time the qualifying member initially enrolled.*

7 ~~(f) Within 90 days of the close of the 2004–05 academic year,~~

8 (f) *The Military Department shall determine whether an*  
9 *individual meets the requirements of ‘active duty’ and ‘qualifying*  
10 *member,’ as they are set forth in subdivision (a). The department*  
11 *shall issue a certificate to individuals who meet those*  
12 *requirements.*

13 (g) (1) *Prior to December 1, 2004, and annually thereafter,*  
14 *within 90 days of the close of each academic year, the Regents of*  
15 *the University of California, the Trustees of the California State*  
16 *University, and the Board of Governors of the California*  
17 *Community Colleges shall report to the Legislature on the fiscal*  
18 *impact of this section during the preceding academic year.*

19 ~~(g)–~~

20 (2) *The information necessary to complete the reports required*  
21 *by this section shall be compiled in consultation with the Office of*  
22 *the Adjutant General.*

23 (h) *It is the intent of the Legislature to provide fiscal support for*  
24 *the requirements of this section in the annual Budget Act or in a*  
25 *supplemental appropriation.*

26 ~~(h)~~

27 (i) *This section shall become operative beginning with the*  
28 *2004–05 academic year.*